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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

C. JAY SMITH, et al.,

4:20-cv-04335-HSG

Plaintiff, **JOINT STIPULATION FOR AUTOMATIC SUBSTITUTION OF SECRETARY ALLISON AND DISMISSAL OF DEFENDANT DIAZ UNDER FRCP 25(D); ORDER (as modified)**

R. DIAZ, et al.,

Defendants.

Judge: Hon. Haywood S. Gilliam, Jr.
Trial Date: December 1, 2025
Action Filed: June 29, 2020

Under Federal Rule of Civil Procedure 25(d), Defendants move for the automatic substitution of Secretary J. Macomber for (retired) Secretary R. Diaz and Warden C. Anders for (retired) Warden R. Davis . The parties stipulate that only official-capacity claims are alleged against Secretary Diaz and Warden Davis. As both Diaz and Davis have retired from CDCR service, they are no longer in the position to provide any injunctive relief in their official capacities. Accordingly, the parties stipulate to the automatic substitution of Secretary Macomber and Warden Anders for Diaz and Davis, respectively. The parties jointly stipulate to dismiss

1 Defendant Diaz and Defendant Davis from this action immediately.

2 **IT IS SO STIPULATED.**

3 Dated: July 3, 2025

/s/ Eric Miersma

4 Eric Miersma
Deputy Attorney General
5 *Attorney for Defendants*

6 Dated: July 3, 2025

/s/ Jennifer Orthwein

7 Jennifer Orthwein
8 *Attorney for Plaintiff Smith*

9 **FILER'S ATTESTATION**

10 Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I, Eric Miersma, attest that
11 concurrence in the filing of this document has been obtained from each of the other signatories. I
12 declare under penalty under the laws of the United States of America that the foregoing is true
13 and correct. Executed on July 3, 2025, at San Diego, California.

14 /s/ Eric Miersma

15 Eric Miersma

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ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO

ORDERED THAT:

Under Federal Rule of Civil Procedure 25(d), Secretary J. Macomber is substituted in his official-capacity for Defendant R. Diaz. There are no other claims against Defendant Diaz thus he is dismissed from this action. Under Federal Rule of Civil Procedure 25(d), Warden C. Anders is substituted in his official-capacity for Defendant R. Davis. There are no other claims against Defendant Davis thus he is dismissed from this action. The Clerk is directed to dismiss Ralph Diaz and Ron Davis and add Secretary J. Macomber and Warden C. Andres to the docket as defendants.

Dated: 7/7/2025

Haywood S. Gilliam, Jr.
The Honorable Haywood S. Gilliam, Jr.